

# ORIGINAL

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FILED  
DISTRICT COURT OF GUAM  
MAR - 8 2007   
MARY L.M. MORAN  
CLERK OF COURT

8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE TERRITORY OF GUAM

11 UNITED STATES OF AMERICA, ) CRIMINAL CASE NO. 06-00024  
12 Plaintiff, )  
13 vs. ) MOTION TO REQUIRE THE  
14 ALVIN NASH QUINATA, ) DEFENDANT TO SUPPLY  
15 Defendant. ) EXEMPLARS OF HANDWRITING

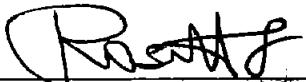
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18 COMES NOW the United States of America, by its undersigned counsel, and moves this  
19 Honorable Court for an order directing that the defendant, ALVIN NASH QUINATA, be  
20 escorted to and from the Office of the Federal Bureau of Investigation (F.B.I.) to submit to  
21 exemplar testing and to furnish exemplars of his handwriting to agents of the Federal Bureau of  
22 Investigation, for comparisons with handwriting to be used during the preparation for and during  
23 the trial of the above case. The United States Supreme Court has stated that the Fifth  
24 Amendment privilege against self-incrimination offers no protection against compulsion to  
25 submit to fingerprinting, or against compulsion to write for identification. Schmerber v.  
26 California, 384 U.S. 757, 764 (1966). The Fifth Amendment protects only against compulsory  
27 production of testimonial evidence; it does not protect against compulsory production of real or  
28 physical evidence. Therefore, physical characteristics such as prints and handwriting are outside

1 the protection of the Fifth Amendment. Obtaining a handwriting exemplar is not a seizure  
2 within the meaning of the Fourth Amendment. A person has no expectation of privacy in  
3 handwriting because it is a physical characteristic which is constantly exposed to the public. So  
4 long as the initial seizure of the person is reasonable, compelling production of a handwriting  
5 exemplar is permissible. See United States v. Mara, 410 U.S. 19 (1973).

6 DATED this 8<sup>th</sup> day of March, 2007.

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9 By:

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